

Message

From: Mark Fisher [MFisher@elminc.com]
Sent: 11/15/2022 4:48:18 PM
To: Mumford, Fred [Fred.Mumford@dep.nj.gov]; Abels, Jeanette [Jeanette.Abels@dep.nj.gov]
CC: Doyle, Carley (LPS) [Carley.Doyle@law.njoag.gov]; Haymes, David [DEP] [David.Haymes@dep.nj.gov]; Wilson, Eric [Wilson.EricJ@epa.gov]; Mellott, Deborah [Mellott.Deborah@epa.gov]; Lance T. Lucarelli [LanceLucarelli@LGroup1.com]; Defeo, Frank [DEP] [Frank.Defeo@dep.nj.gov]; Clenace, Pamela [baxter.Pamela@epa.gov]; Zizila, Frances [Zizila.Frances@epa.gov]; Inserra, Alphonse [DEP] [Alphonse.Inserra@dep.nj.gov]; Howitz, Wayne [DEP] [Wayne.Howitz@dep.nj.gov]; Saghafi, Farnaz [Saghafi.Farnaz@epa.gov]; John Doyon [john.doyon@dep.nj.gov]; Wolf, Gary (LPS) [gary.wolf@law.njoag.gov]; Wagenbach, Jeffrey [JWAGENBACH@RIKER.com]; Wolf, Ann (DEP) [Ann.Wolf@dep.nj.gov]; Coefer, Matt [matt.coefer@dep.nj.gov]
Subject: RE: Syncon Resins Site PI#019804

Hi Fred and Jeanette – things are progressing on this matter. I have recently discussed getting the PP ACO in place with Ann Wolf and that paperwork will be submitted in the next day or so.

Accordingly, I am requesting that we set up a site inspection and that the agency(s) provide additional information to us at this time regarding the exact status of the ground water remediation system/sampling data and any other information that we will need to assess the current status of the site. We need this information to better understand what needs to be done on a go-forward basis should my client take title to the property / take over the remaining cleanup activities (the details of which will also be a part of the PP ACO). We have previously submitted / completed an OPRA request to both NJDEP and EPA but have not received any of the current information necessary to accurately understand these issues (we received a lot of historic information, but nothing regarding the current site conditions/system operation). The same is true of the site soil conditions, but from the data we have received to date, our general understanding is that the only remaining actions for soil would involve finalizing the necessary engineering and institutional controls.

Lastly, we know from our prior conversations (Jeff Wagenbach's discussions with Carly and my conversations with Ann Wolf) that there are several tax liens with the town. We also understand that an MOA was recently executed with the town regarding this issue, and therefore, we would also request a copy of that document. We understand that as part of the anticipated property sale/title transfer that we will need to address these liens, so it will be important for us to obtain this document.

Let me know if you have any questions or if you think it makes sense for some of us to get on a quick Teams call to discuss a path forward on this matter / set up the site meeting. Thank you in advance for your assistance regarding this matter. Mark

From: Mumford, Fred [DEP] <Fred.Mumford@dep.nj.gov>
Sent: Tuesday, June 28, 2022 1:59 PM
To: Mark Fisher <MFisher@elminc.com>; Zizila, Frances <Zizila.Frances@epa.gov>
Cc: Doyle, Carley (LPS) <Carley.Doyle@law.njoag.gov>; Haymes, David [DEP] <David.Haymes@dep.nj.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>; Mellott, Deborah <Mellott.Deborah@epa.gov>; Lance T. Lucarelli <LanceLucarelli@LGroup1.com>; Defeo, Frank [DEP] <Frank.Defeo@dep.nj.gov>; Abels, Jeanette [DEP] <Jeanette.Abels@dep.nj.gov>; Baxter, Pamela <baxter.Pamela@epa.gov>; Inserra, Alphonse [DEP] <Alphonse.Inserra@dep.nj.gov>; Howitz, Wayne [DEP] <Wayne.Howitz@dep.nj.gov>; Saghafi, Farnaz <Saghafi.Farnaz@epa.gov>; Doyon, John [DEP] <John.Doyon@dep.nj.gov>; Wolf, Gary (LPS) <gary.wolf@law.njoag.gov>
Subject: RE: Syncon Resins Site PI#019804

Hi Mark,

Thanks for taking time to discuss the Syncon Resins site today and potential sale of the property to your client. We briefly went over that any future purchaser would be required to enter into a pre-purchaser Administrative Consent Order with DEP to continue ongoing operation and maintenance of a groundwater treatment and containment remedy that DEP operates on site, as well as conduct other remedial activities that include institutional controls. And as you know, DEP, EPA, and the Town of Kearny all have liens against the Syncon Resins property and are working on agreement that will help the sale and redevelopment of the property move forward.

In the meantime, I requested your client not enter the property, as DEP contractors are regularly working on site and contamination remains, until formal agreements are reached and appropriate health and safety plans can be developed and such protocols can be followed by any parties purchasing the Syncon Resins site and entering the property for either remedial or redevelopment activities.

Any questions, let me know.

Thanks,
Fred

*Fred Mumford
Bureau Chief
New Jersey Department of Environmental Protection
Publicly Funded Response Element
Bureau of Site Management
401 E. State Street, 5th Floor
P.O. Box 420
Mail Code: 401-05R
Trenton, New Jersey 08625
Desk: (609) 292-2150
Cell: (609) 306-2317
Fred.Mumford@dep.nj.gov*

From: Mark Fisher <MFisher@elminc.com>
Sent: Tuesday, June 28, 2022 11:27 AM
To: Zizila, Frances <Zizila.Frances@epa.gov>
Cc: Doyle, Carley (LPS) <Carley.Doyle@law.njoag.gov>; Haymes, David [DEP] <David.Haymes@dep.nj.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>; Mellott, Deborah <Mellott.Deborah@epa.gov>; Lance T. Lucarelli <LanceLucarelli@LGroup1.com>; Defeo, Frank [DEP] <Frank.Defeo@dep.nj.gov>; Abels, Jeanette [DEP] <Jeanette.Abels@dep.nj.gov>; Mumford, Fred [DEP] <Fred.Mumford@dep.nj.gov>; Baxter, Pamela <baxter.Pamela@epa.gov>; Inserra, Alphonse [DEP] <Alphonse.Inserra@dep.nj.gov>; Howitz, Wayne [DEP] <Wayne.Howitz@dep.nj.gov>; Saghafi, Farnaz <Saghafi.Farnaz@epa.gov>
Subject: [EXTERNAL] RE: Syncon Resins Site PI#019804

Hi Frances – my client / contract purchaser needs to press forward with some site work so it would be very helpful if we can set up a call to discuss – I can coordinate that call, I just need to know who should be on the call. Thanks again, Mark

From: Lance T. Lucarelli <LanceLucarelli@LGroup1.com>
Sent: Tuesday, June 28, 2022 11:06 AM
To: Mark Fisher <MFisher@elminc.com>; Zizila, Frances <Zizila.Frances@epa.gov>
Cc: carley.doyle@law.njoag.gov; Haymes, David [DEP] <David.Haymes@dep.nj.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>; Mellott, Deborah <Mellott.Deborah@epa.gov>; Defeo, Frank <Frank.Defeo@dep.nj.gov>;

Abels, Jeanette <Jeanette.Abels@dep.nj.gov>; Mumford, Fred <Fred.Mumford@dep.nj.gov>; Baxter, Pamela <baxter.Pamela@epa.gov>; alphonse.inserra@dep.nj.gov; wayne.howitz@dep.nj.gov; Saghafi, Farnaz <Saghafi.Farnaz@epa.gov>

Subject: Re: Syncon Resins Site PI#019804

Mark,
We will start mobilizing on site next week
Lance

Get Outlook for iOS

From: Mark Fisher <MFisher@elminc.com>

Sent: Saturday, June 25, 2022 12:08:01 PM

To: Zizila, Frances <Zizila.Frances@epa.gov>

Cc: carley.doyle@law.njoag.gov <carley.doyle@law.njoag.gov>; Haymes, David [DEP] <David.Haymes@dep.nj.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>; Mellott, Deborah <Mellott.Deborah@epa.gov>; Defeo, Frank <Frank.Defeo@dep.nj.gov>; Abels, Jeanette <Jeanette.Abels@dep.nj.gov>; Mumford, Fred <Fred.Mumford@dep.nj.gov>; Baxter, Pamela <baxter.Pamela@epa.gov>; alphonse.inserra@dep.nj.gov <alphonse.inserra@dep.nj.gov>; wayne.howitz@dep.nj.gov <wayne.howitz@dep.nj.gov>; Saghafi, Farnaz <Saghafi.Farnaz@epa.gov>; Lance T. Lucarelli <LanceLucarelli@LGroup1.com>

Subject: RE: Syncon Resins Site PI#019804

Hi Frances – attached is a copy of the contract that my client has executed. We would like to set a call with any of the appropriate parties from EPA and DEP to discuss the short term and long term plans / uses of the property, assuming that the planned transaction is consummated. In terms of short term uses, this would likely be for truck parking. I have included Lance Lucarelli on this email chain (he is the contract purchaser).

If you let us know who should be in this initial call, I can send out a poll to find the best time for this discussion. Thanks and let us know if you have any questions in the meantime. Mark

From: Zizila, Frances <Zizila.Frances@epa.gov>

Sent: Wednesday, June 15, 2022 4:12 PM

To: Mark Fisher <MFisher@elminc.com>

Cc: carley.doyle@law.njoag.gov; Haymes, David [DEP] <David.Haymes@dep.nj.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>; Mellott, Deborah <Mellott.Deborah@epa.gov>; Defeo, Frank <Frank.Defeo@dep.nj.gov>; Abels, Jeanette <Jeanette.Abels@dep.nj.gov>; Mumford, Fred <Fred.Mumford@dep.nj.gov>; Baxter, Pamela <baxter.Pamela@epa.gov>; alphonse.inserra@dep.nj.gov; wayne.howitz@dep.nj.gov; Saghafi, Farnaz <Saghafi.Farnaz@epa.gov>

Subject: RE: Syncon Resins Site PI#019804

Dear Mr. Fisher,

Your email below was forwarded to me. I am the EPA attorney handling the Syncon Resins Site and have been in correspondence with the DEP and the Town of Kearny on this matter.

As you know, the Syncon Resins Site is a Superfund Site on the National Priorities List (NPL) and both EPA and the DEP have CERCLA authority over the remedial actions and continuing operation and maintenance obligations at the Site. The EPA, DEP and the Town of Kearny all have liens against the properties that comprise the Site (Block 289, Lots 12, 13 and 13.01). In addition, the Site is subject to various civil judgment liens and the attached federal judicial Consent Decree entered into with Benjamin Farber which is binding on his heirs, agents, successors and assigns, including his Estate and shares of the defunct entities of Syncon Resins and Farnow, Inc. The judicial Consent Decree contains enforceable

requirements pertaining to the conveyance of the entire Site property (including lots 13 and 13.01 which you reference in your email) which EPA is required to approve and EPA is to receive the proceeds from any sale.

You represent that your client is under contract to purchase the property (Block 289, Lots 13 and 13.01). Please forward to us a copy of the contract and provide us with the contact information for your client's and the seller's attorney.

Thank you,

Frances M. Zizila
Assistant Regional Counsel
EPA Region 2
212.637.3135

From: Mark Fisher <MFisher@elminc.com>

Sent: Thursday, June 9, 2022 07:47 AM

To: Defeo, Frank [DEP] <Frank.Defeo@dep.nj.gov>; Abels, Jeanette [DEP] <Jeanette.Abels@dep.nj.gov>

Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Mumford, Fred [DEP] <Fred.Mumford@dep.nj.gov>; Haymes, David [DEP] <David.Haymes@dep.nj.gov>; Howitz, Wayne [DEP] <Wayne.Howitz@dep.nj.gov>; Inserra, Alphonse [DEP] <Alphonse.Inserra@dep.nj.gov>; Karagias, Louis (LPS) <Louis.Karagias@law.njoag.gov>

Subject: [EXTERNAL] RE: Syncon Resins Site PI#019804

Hi all – as a follow-up to some my prior conversations with several of you, my client is now under contract to purchase this property (Block 289, Lots 13 and 13.01). We are sure when closing will occur but at this point we will be continuing our due diligence for the property. Additionally, my client (contact purchaser) may want to do some interim improvements to site (such as re-surfacing/paving and possible parking of trucks).

We would like to set up a call with the appropriate individuals regarding next steps on our end and discuss any specific requirements from the agencies, and to address any questions you may have. Let me know who on your end should be involved and I will coordinate a time for a call. Thanks Mark

From: Defeo, Frank (DEP) <Frank.Defeo@dep.nj.gov>

Sent: Thursday, April 22, 2021 1:45 PM

To: Mark Fisher <MFisher@elminc.com>; Abels, Jeanette (DEP) <Jeanette.Abels@dep.nj.gov>

Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Mumford, Fred (DEP) <Fred.Mumford@dep.nj.gov>; Haymes, David (DEP) <David.Haymes@dep.nj.gov>; Kratina, Kevin (DEP) <Kevin.Kratina@dep.nj.gov>; Howitz, Wayne (DEP) <Wayne.Howitz@dep.nj.gov>; Inserra, Alphonse (DEP) <Alphonse.Inserra@dep.nj.gov>; Karagias, Louis (LPS) <Louis.Karagias@law.njoag.gov>

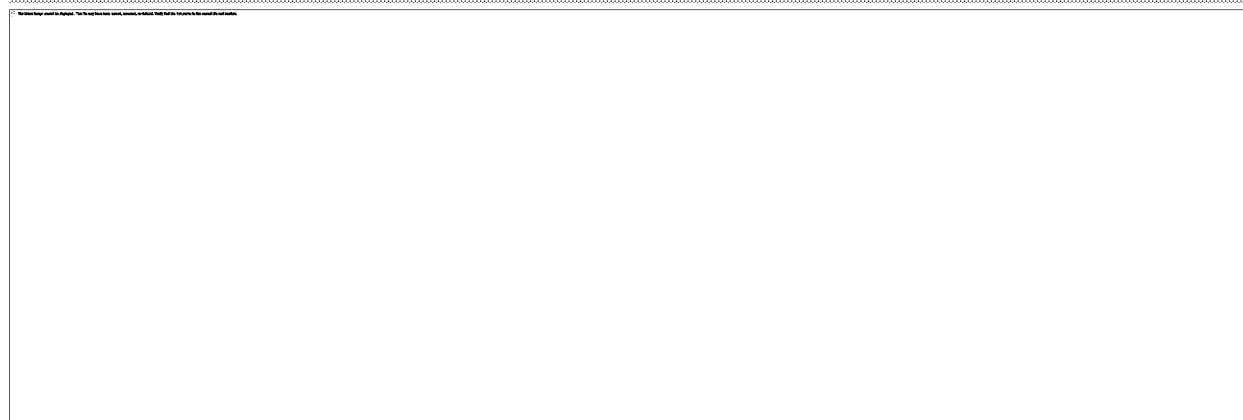
Subject: RE: Syncon Resins Site PI#019804

Mark,

Due to our procurement rules, I can't provide any information to you as there may be other interested parties of whom I am not aware. To obtain any further information, I have to refer you to our OPRA office. The link is below.

<https://www.nj.gov/dep/opra/>

Frank A. DeFeo
Assistant Director, Financial Services Element



NOTE: This E-mail is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This E-Mail and its contents, may be Privileged & Confidential due to the Attorney-Client Privilege, Attorney Work Product, and Deliberative Process or under the New Jersey Open Public Records Act. If you are not the intended recipient of this e-mail, please notify the sender, delete it and do not read, act upon, print, disclose, copy, retain or redistribute it.

NOTE: Nothing in this correspondence affects your potential liability and obligations to the State Trustee, the Department, or its Commissioner regarding natural resource injuries, restoration, or damages.

From: Mark Fisher <MFisher@elminc.com>

Sent: Wednesday, April 21, 2021 5:31 PM

To: Defeo, Frank (DEP) <Frank.Defeo@dep.nj.gov>; Abels, Jeanette (DEP) <Jeanette.Abels@dep.nj.gov>

Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Mumford, Fred (DEP) <Fred.Mumford@dep.nj.gov>; Haymes, David (DEP) <David.Haymes@dep.nj.gov>; Kratina, Kevin (DEP) <Kevin.Kratina@dep.nj.gov>; Howitz, Wayne (DEP) <Wayne.Howitz@dep.nj.gov>; Inserra, Alphonse (DEP) <Alphonse.Inserra@dep.nj.gov>; Karagias, Louis (LPS) <Louis.Karagias@law.njoag.gov>

Subject: [EXTERNAL] RE: Syncon Resins Site PI#019804

Thanks Frank – can you get us some intel on the amounts of the liens by DEP and EPA (just so we have better understanding of how we might try to reach a settlement)? Also, if there are any key documents that you can share with us on the remaining remedial obligations / back up for the O&M, that would be helpful. We are going to go thru the normal channels via OPRA/FIOA to get the project files, but anything you can get to us sooner would be very much appreciated. If you think a quick call with me would be helpful, that would be great. Much appreciated. Mark

From: Defeo, Frank (DEP) <Frank.Defeo@dep.nj.gov>

Sent: Wednesday, April 21, 2021 5:06 PM

To: Mark Fisher <MFisher@elminc.com>; Abels, Jeanette (DEP) <Jeanette.Abels@dep.nj.gov>

Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Mumford, Fred (DEP) <Fred.Mumford@dep.nj.gov>; Haymes, David (DEP) <David.Haymes@dep.nj.gov>; Kratina, Kevin (DEP) <Kevin.Kratina@dep.nj.gov>; Howitz, Wayne (DEP) <Wayne.Howitz@dep.nj.gov>; Inserra, Alphonse (DEP) <Alphonse.Inserra@dep.nj.gov>; Karagias, Louis (LPS) <Louis.Karagias@law.njoag.gov>

Subject: RE: Syncon Resins Site PI#019804

Mark,

DEP, EPA, and the Town of Kearny all have liens against the Syncon property.

Operations and maintenance going forward are projected at about \$410,000 annually. Some sampling will be required as well.

Frank A. DeFeo
Assistant Director, Financial Services Element
NJDEP, Site Remediation & Waste Management Program
p 609-633-0763
f 609-633-2360



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTE: This E-mail is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This E-Mail and its contents, may be Privileged & Confidential due to the Attorney-Client Privilege, Attorney Work Product, and Deliberative Process or under the New Jersey Open Public Records Act. If you are not the intended recipient of this e-mail, please notify the sender, delete it and do not read, act upon, print, disclose, copy, retain or redistribute it.

NOTE: Nothing in this correspondence affects your potential liability and obligations to the State Trustee, the Department, or its Commissioner regarding natural resource injuries, restoration, or damages.

From: Mark Fisher <MFisher@elminc.com>
Sent: Wednesday, April 14, 2021 8:48 AM
To: Abels, Jeanette [DEP] <Jeanette.Abels@dep.nj.gov>
Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Defeo, Frank [DEP] <Frank.Defeo@dep.nj.gov>; Mumford, Fred [DEP] <Fred.Mumford@dep.nj.gov>
Subject: [EXTERNAL] RE: Syncon Resins Site PI#019804

Jeanette - Thanks again for your time on this site last week.

Frank/Pam – I have client/developer who is very interested in the property. Accordingly, we are looking to get a better understanding of the open issues at the site, including the past costs/possible settlement issues on past agency costs in the event that we want to come into DEP to talk about signing an ACO/Development Agreement. Can you provide that information for me (doesn't need to be exact – just high-level ballpark number so we can decide if this is still something we want to pursue)?

Thanks and let me know if you would like to discuss/I can set up a quick call if you think that is helpful. Mark

From: Abels, Jeanette <Jeanette.Abels@dep.nj.gov>
Sent: Thursday, April 8, 2021 10:25 AM
To: Mark Fisher <MFisher@elminc.com>
Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Defeo, Frank <Frank.Defeo@dep.nj.gov>; Mumford, Fred <Fred.Mumford@dep.nj.gov>
Subject: FW: Syncon Resins Site PI#019804

As we discussed on the phone this morning, you should contact Frank DeFeo of NJDEP at Frank.Defeo@dep.nj.gov and Pam Baxter of EPA at Pamela.Baxter@epa.gov for information regarding the past costs for the Syncon site. You will also need to contact the Town of Kearny.

I can confirm that the DEP OPRA office is coordinating records reviews at this time.

Please contact me if you need additional information.
Jeanette Abels

From: Mark Fisher <MFisher@elminc.com>
Sent: Thursday, April 8, 2021 7:51 AM
To: Abels, Jeanette <Jeanette.Abels@dep.nj.gov>
Subject: [EXTERNAL] Syncon Resins Site PI#019804

Hi Jeanette – I am working with someone who is interested in the property located at 77 – 89 Jacobus Ave in Kearny. Based upon the info from Dataminer it appears that this is a publicly-funded cleanup site. We are submitting an OPRA request for the DEP files but I was hoping that I could call you to discuss the site at a high level while we wait to access to the files. Let me know if there is good number to reach you (website lists 609-292-4873 but wasn't sure if this still a good number while you are working remotely) or can call contact me (best way is via cell (609) 577-3974 or email). Thanks in advance for your assistance. Mark

	<p>MARK D. FISHER, CHMM, LSRP Managing Partner</p> <p>The ELM Group, Inc. 345 Wall Street Research Park Princeton NJ 08540 Tel 609.683.4848 Ext.222 Cell 609.577.3974 MFisher@elminc.com www.ExploreELM.com</p>
--	---

PLEASE NOTE: The information being transmitted by this email message is being sent by The ELM Group; it is intended for the exclusive use of the addressee named above and may constitute information that is privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee or an employee or agent responsible for delivering this message to the named addressee, you are not authorized to retain, read, copy or disseminate this message or any part of it. If you received this email message in error, please notify us immediately by telephone and delete the email. Thank you.